

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ABDIKARIM KARRANI,

Plaintiff,

v.

JETBLUE AIRWAYS CORPORATION, a
Delaware corporation,

Defendant.

No.: 2:18-cv-01510-RSM

DECLARATION OF SAMANTHA PITSCH
IN SUPPORT OF DEFENDANT JETBLUE
AIRWAYS CORPORATION'S REPLY TO
ITS MOTION FOR SUMMARY
JUDGMENT

SAMANTHA PITSCH, declares and says:

1. I am an attorney at Mills Meyers Swartling, P.S., attorneys of record for defendant JetBlue Airways Corporation ("JetBlue"). I am over the age of 18, I am competent to testify, and I make this declaration based on personal knowledge.

2. Attached as **Exhibit A** are true and corrects excerpts of the deposition transcript of Michael Cheney dated March 7, 2019.

3. Attached as **Exhibit B** are true and corrects excerpts of the deposition transcript of Jason Smith dated April 26, 2019.

DECLARATION OF SAMANTHA PITSCH IN SUPPORT OF
DEFENDANT JETBLUE AIRWAYS CORPORATION'S REPLY TO
ITS MOTION FOR SUMMARY JUDGMENT
(NO. 2:18-cv-01510-RSM) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104-1064
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

1 Signed under the penalty of perjury under the laws of the United States of America this
2 21st day of June 2019, at Seattle, Washington.

3
4 /s/Samantha Pitsch

5 Samantha Pitsch

6 WSBA No. 54190
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23
24 DECLARATION OF SAMANTHA PITSCH IN SUPPORT OF
25 DEFENDANT JETBLUE AIRWAYS CORPORATION'S REPLY TO
26 ITS MOTION FOR SUMMARY JUDGMENT
(NO. 2:18-cv-01510-RSM) - 2

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

John P. Sheridan, jack@sheridanlawfirm.com, jamie@sheridanlawfirm.com, mark@sheridanlawfirm.com

Mark W. Rose, mark@sheridanlawfirm.com, jamie@sheridanlawfirm.com, alea@sheridanlawfirm.com

Alea M. Carr, alea@sheridanlawfirm.com, alea.carr@gmail.com

I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participant:

and correct copy of the foregoing to the following non-CM/ECF participant:

N/A

DATED this 21st day of June 2019.



Legal Assistant

Exhibit A

1
2 IN THE UNITED STATES DISTRICT COURT
3 COURT FOR THE WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

4 - - - - -x
ABKIKARIM KARRANI,

5 Plaintiff,

6 -against-

INDEX NO.
2:18-CV-01510-RSM

7
8 JETBLUE AIRWAYS CORPORATION,

9 Defendant.

10 - - - - -x

11
12 VIDEOTAPED DEPOSITION of DEFENDANT
13 JETBLUE AIRWAYS CORPORATION, BY MICHAEL
14 CHENEY, taken by Plaintiff at the offices of
15 Fink & Carney Reporting and Video Services, 39
16 West 37th Street, New York, New York, on
17 Thursday, March 7, 2019, commencing at 9:04
18 a.m., before Elizabeth Santamaria, a Certified
19 Shorthand (Stenotype) Reporter and Notary
20 Public within and for the State of New York.
21
22
23
24
25

1 Cheney

2 airplane.

3 Q All right, after the decision to go
4 to Billings, Montana was made, what role did
5 you have?

6 A Okay. When we got the call, then
7 the roles switched because he needed to do
8 his -- his -- his duties. He was called in to
9 medical and take care back of the back, so I
10 became the pilot flying and he became the
11 non-flying pilot.

12 Q All right, did you talk to the
13 medical folks over the radio?

14 A No, I didn't.

15 Q Did you talk to management at any
16 time, JetBlue management, while you were in
17 the air?

18 A No, I didn't.

19 Q And who landed the plane?

20 A Mitch landed the plane.

21 Q And once the plane landed what did
22 you do?

23 A Did my first officer duty, normal
24 duties in the cockpit.

25 Q Is that shutting the plane down?

1 Cheney

2 other situations where JetBlue removed a
3 person of color from a plane?

4 MS. JORGENSEN: Object to form.

5 A I was on an aircraft where they
6 removed, but as far as color, I can't tell
7 you, you know.

8 Q Tell us what happened when you were
9 on an aircraft. When was it? Where was it?

10 A That happened several times during
11 the past year, you know. Before the plane
12 even left the gate maybe a drunk passenger or
13 intoxicated passenger. They asked him to
14 be -- that's something we don't handle.

15 You know, they might ask the
16 Captain, you know, his -- his take on it and
17 it's basically up to the Captain's decision if
18 he wants the customers removed or not, so...

19 Q Okay. And have you ever seen an
20 incident when you're on the plane and the
21 plane has to divert as a result of something
22 happening on the plane? Besides this one.

23 A Yes.

24 Q Tell us about that?

25 A We had to divert because somebody

1 Cheney
2 was going to -- I believe it was Fort
3 Lauderdale and we had to divert them to
4 Orlando because the guy was going to a drug
5 rehab and I guess he was going through some
6 drug issues or withdrawal so --

7 Q On the plane?

8 A Yeah. And he was making -- making
9 quite a scene in the back, so we diverted.
10 And the dates, I don't remember if it happened
11 before or after, but, you know, that's --

12 Q Do you remember what flight you
13 were on, from where? From what city to what
14 city?

15 A For -- for the -- no, I don't
16 remember.

17 Q Okay, and the fellow who had the
18 drug issue that caused you to divert to Fort
19 Lauderdale, did you leave the cockpit to see
20 what was going on?

21 A We landed, but by the time we got
22 there the medical personnel was already in the
23 back and checking him out.

24 Q How did you learn while the plane
25 was in the air what was going on that caused

1 Cheney

2 the pilot to divert?

3 A The flight attendant called up to
4 the Captain.

5 Q And did you talk to the flight
6 attendant?

7 A I don't remember if I, in that
8 case, if I talked to the flight attendant or
9 not. Usually the Captain will answer that
10 from the back and -- and, you know, through
11 discussions he said, you know, he might have
12 mentioned, hey, we have an issue in the back
13 with a customer, so...

14 Q Is it fair to say that during that
15 incident you also took over flying the plane
16 and the pilot took over the responsibilities
17 associated with the issue?

18 A In that case, yes, yes. I did
19 actually.

20 Q Okay.

21 A Actually, that case I was the pilot
22 flying.

23 Q Oh, okay.

24 A Yeah. Yeah, in that case. We swap
25 out every other leg to fly.

1 Cheney

2 Q I see. Okay. So -- so in that
3 particular case were the police involved?

4 A I do believe a policeman was there,
5 but I knew it was, you know, your typical
6 paramedics.

7 Q Okay. Did -- so you could hear
8 what the pilot was saying in the cockpit
9 because you were right next to the pilot,
10 right? When he was on the radio?

11 A Yeah.

12 Q Okay, and did the pilot in the Fort
13 Lauderdale situation contact the -- is it the
14 Med Ex or Med something?

15 A MedLink, yes. Yes.

16 Q MedLink. And you could hear what
17 he was saying, right?

18 A In that case if I'm doing the
19 radios and I'm concentrating on the ATC, I'll
20 probably turn to down, but I'll have a general
21 idea of why -- of what's going on and
22 thinking, in my mind, because we're both
23 thinking the same, we might have to divert
24 just in case, you know, so...

25 But there's so much -- the

1 Cheney
2 information that they're relaying through each
3 other, it will just, you know, is -- it will
4 probably interfere with my duty to -- to, you
5 know, concentrate on what ATC is wanting me to
6 do, so I normally turn it down.

7 Q Got it. All right, and with your
8 headset can you hear the Captain talking just
9 because you're sitting next to him?

10 A It's loud, you know. You know, we
11 put on our, you know, headset. You know, you
12 could. Yeah, yeah.

13 Q All right. So in the Fort
14 Lauderdale diversion did you hear the Captain
15 give a direction to -- to have the person met
16 by EMTs or something like that?

17 A Did I hear?

18 Q The captain make the request to
19 have EMTs present upon landing.

20 A When he relayed the message to me?

21 Q Oh, are you the guy who made the
22 call?

23 A No, no. He made the call.

24 Q Okay.

25 A You know, talking with MedLink.

1 Cheney

2 Q Right.

3 A I'm flying -- flying the airplane.

4 Q Right. So did he communicate to
5 you that look, we're going to have an
6 ambulance there. We're going to land and this
7 is what we're going to do?

8 A He'll ask me, could you tell ATC,
9 this is going to be a medical emergency. We
10 need to go to Orlando, you know.

11 And I said, okay and I'll contact
12 the ATC in that case.

13 Q Okay. And --

14 A But he'll tell -- tell me.

15 Q Okay, he'll tell you. Okay.

16 And in that case who made the
17 decision to go to -- to go -- is it Fort
18 Lauderdale was the diversion or Orlando?

19 A Fort Lauderdale -- Fort Lauderdale
20 was -- was the destination, Orlando was the
21 diversion.

22 Q So who made the decision to go to
23 Orlando?

24 A The Captain.

25 Q The Captain, all right.

1 Cheney

2 And that was while he was
3 communicating with the MedLink folks?

4 A More -- more likely they -- they
5 decide what they -- want us to do and then he
6 relays, you know. If we need to divert, he'll
7 stop what he's doing, you know, communication
8 wise and tell me, hey, this is what we need to
9 do.

10 Q All right, so in that case he told
11 you -- the pilot told you, look, we're going
12 to Orlando and then your job is to talk to the
13 traffic control?

14 A Coordinate with ATC and they'll ask
15 questions why? Say it's a medical emergency.
16 And when you tell them that, you know.

17 And then we might just call the
18 company too on the company radio frequencies
19 and tell them, you know, we'll need, you know,
20 make sure paramedics are there plane side
21 waiting for us.

22 Q Did that happen in the Orlando
23 diversion, that you called the company?

24 A Yeah. Called the Orlando flight
25 ops.

1 Cheney

2 Q Okay, and is that a JetBlue company
3 or organization?

4 A Yeah, yeah. Because we have a base
5 there, too. We have ground -- ground person,
6 you know, personnel there.

7 Q Okay. And so when you call flight
8 ops do you call them on a radio?

9 A Radio.

10 Q Okay. And these radios, do most
11 planes have -- what is it, two radios?

12 A We have two.

13 Q And no satellite phone?

14 A Some of our planes have sat phone.
15 I don't -- I'm not 100 percent sure, but I
16 don't think this particular airplane had a sat
17 phone.

18 Q Okay. All right.

19 A Because -- yeah, it was a radio.

20 Q Okay, now let's go back to the
21 flight involving Mr. Karrani and the medical
22 issue.

23 So did the same thing happen in
24 this situation as you just described in the
25 Orlando diversion situation where the Captain

1 Cheney

2 told you information and you relayed it to the
3 air traffic controllers?

4 A Right.

5 Q Okay, so tell us what did the
6 captain tell you was happening and what did
7 you relay to air traffic control?

8 A As soon as he got the information
9 with MedLink and they -- and they recommended
10 that we divert, we kind of knew we might have
11 to just from, you know, we might have to. You
12 know, you always want to, you know, you want
13 prepare yourself so I was looking at --

14 (Reporter requested clarification.)

15 A We were looking at going -- going
16 to Billings, you know. That's just a, you
17 know, just in case, you know. So we're always
18 looking at places where to land. So when he
19 gave -- when he gave a thumbs up or, you know,
20 yeah, you know, he -- he told me we need to go
21 to Billings.

22 Q Okay. And who did you contact?

23 A I was on with ATC.

24 Q Air traffic control?

25 A Air -- air -- yes. Yes, the air

1 Cheney

2 traffic control.

3 Q Is that Billings air traffic
4 control?

5 A It's center. At the time
6 there's -- yeah, it's -- it might have been
7 Seattle Center.

8 Q Okay.

9 A Something like that.

10 Q All right. And what did you tell
11 them?

12 A Tell them we -- we've got a
13 medical -- this is not ver- -- you know,
14 verbatim. This is --

15 Q Sure, I understand. A summary.

16 A You know, we have a medical
17 emergency. We're going to need to divert to
18 Billings.

19 Q All right. And then did you call
20 anybody else besides air traffic control at
21 that time?

22 MS. JORGENSEN: Object to form.

23 A No. Just -- just the air traffic
24 controller.

25 Q All right. And so from the -- how

1 Cheney

2 A Both of us can hear it if we have
3 the volume up.

4 Q Okay, and -- okay, so it it's not
5 coming through the head phones. It's
6 basically coming just --

7 A It's coming through the head
8 phones.

9 Q Oh, it is. Okay.

10 A Yes.

11 Q So if he's got the volume up -- if
12 the Captain's got the volume up and you've got
13 the volume up, you can both here what's coming
14 from the cabin?

15 A Yes.

16 Q So what did you hear from the
17 cabin?

18 A Heard the call, turned it up. You
19 know, turned it on. He answered, we need
20 law -- law enforcement to meet us at the
21 airplane.

22 Q Who said that?

23 A One of the flight attendants.

24 Don't know who, but one of the flight

25 attendants.

1 Cheney

2 Q Male or female?

3 A Female.

4 Q Okay, said -- so the words that you
5 heard were "we need law enforcement"?

6 A I don't know if that's the verbatim
7 what they said, but it was in that nature.
8 You know, we need --

9 Q Okay.

10 A -- authorities, airport authorities
11 or the, you know, police, but it's --

12 Q Did the voice at the other end of
13 the phone say why?

14 A No.

15 Q Okay, so from your perspective then
16 that -- you would -- that would be a big deal,
17 wouldn't it, that we need law enforcement?

18 A Yeah, but we're on approach and my
19 main -- main concern was helping them get the
20 airplane on the ground.

21 Q Okay.

22 A Right.

23 Q And I know you answered this, but I
24 forgot. Who landed the plane, you or the
25 pilot?

1 Cheney

2 or are they allowed to do other things?

3 A They're allowed to -- to make sure
4 that the plane is secured in the back. I'm
5 not quite sure what their full duties are, but
6 I know before they just know when to sit down
7 and to have their seat belts on.

8 Q All right. And based on your
9 recollection of the events, when that call
10 came in that says "we need law enforcement,"
11 am I right that this was before wheels down,
12 but below 10,000 feet?

13 A It was below -- it was before
14 wheels down, right.

15 Q And below 10,000 feet?

16 A Right.

17 Q Got it. All right.

18 And how long was that phone call
19 that, you know, "We need law enforcement"?

20 A It was quick.

21 Q Like that (indicating snapping of
22 fingers)?

23 A It was quick. Yeah, I think.

24 Q So in this particular scenario is
25 it fair to say the captain did not inquire

1 Cheney

2 further? Just said okay?

3 A I don't remember if he did or not.

4 All I know was -- was I heard what I needed to

5 hear and I contacted, you know, approach and

6 also, sir, we need a law -- law enforcement to

7 meet us at the airplane.

8 Q All right.

9 A Now, I don't know if he -- I don't

10 remember if he had another, you know,

11 conversation.

12 Q Did you have any more detailed

13 conversations with the Billings -- you said

14 air traffic controller?

15 A Air traffic control, yeah.

16 Approach control.

17 Q Did you have any more detail

18 conversations to talk about why you needed law

19 enforcement?

20 A No. Just told them we need it and

21 they said "Roger" or whatever. We'll -- we'll

22 have them standing by or in that nature.

23 Q Got it. Okay.

24 A Didn't -- didn't go into details

25 with them.

1 Cheney

2 continue doing her job?

3 A I believed after got back on the
4 airplane and the door was open, walked in and
5 the captain mentioned that we're -- she's not
6 going to be able to do this flight. So we're
7 going to have to come up with some options.
8 That's when he had another issue dealing. He
9 had to call the company and --

10 Q What was that?

11 A He had to call the company and
12 explain to them the situation that we've got
13 folks on board and we're not going to be able
14 to do this flight.

15 Q Okay, and were you there for that
16 conversation with corporate?

17 A I was -- I don't remember. I might
18 have been. I was sitting there, you know,
19 trying to prepare myself for the next flight.
20 He was on the phone and I wasn't really
21 listening in.

22 Q Was the plane empty of passengers
23 by this time?

24 A At that time? I don't remember,
25 but I'm guessing they're still on board

EXHIBIT B

JASON SMITH
ABDIKARIM KARRANI vs JET BLUE AIRWAYS

April 26, 2019

1

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIKARIM KARRANI,
Plaintiff,

vs. CASE NO: 2:18-CV-01510-RSM

JET BLUE AIRWAYS
CORPORATION,

Defendant.

DEPOSITION OF: JASON SMITH

DATE: FRIDAY, APRIL 26, 2019

TIME: 3:00 P.M. - 3:22 P.M.

PLACE: ESQUIRE DEPOSITION SOLUTIONS
1301 RIVERPLACE BOULEVARD
SUITE 1610
JACKSONVILLE, FLORIDA 32207

STENOGRAPHICALLY
REPORTED BY: CATHERINE M. MORROW

1 about what they saw?

2 A No. I went straight for an outlet to charge
3 my phone.

4 Q Fair enough.

5 A That is the first thing I was thinking about,
6 texting my wife. That was it. I don't recall talking
7 to anybody.

8 Q All right. Anything else you remember besides
9 what you've told us?

10 A No. That's about it. That's what --
11 timeline-wise about it was, you know, apparently off and
12 on when they took her off the plane, the medical, when
13 it happened.

14 I felt like that was, probably, maybe out of
15 order. But those are brief little things I saw.

16 Q All right.

17 A A lot of things are really cloudy.

18 MR. SHERIDAN: Okay. I have no further
19 questions.

20 CROSS-EXAMINATION

21 BY MS. JORGENSEN:

22 Q Sorry. Just catching up to you. I just want
23 to make sure that I understand your recollection. You
24 described, if I heard you incorrectly let me know, you
25 described what you call a verbal confrontation at front

JASON SMITH
ABDIKARIM KARRANI vs JET BLUE AIRWAYS

April 26, 2019

12

1 of the plane?

2 A Yeah. It was not a heated. It was two people
3 talking back and forth. It wasn't any yelling or
4 anything like that. It was they were saying something
5 to each other. I am not positive what was said, but
6 they were saying something.

7 Q So that was my point of clarification. I
8 wanted to know if from what you described was that what
9 you assumed was happening based on their body language
10 because you couldn't hear the words being exchanged or
11 did you hear the exchange?

12 A I heard her say "No, you cannot be up here at
13 this time." I heard her say that. Because she got a
14 little bit louder to make her point, hey, you can't --
15 you have to follow my -- what I'm telling you. She is
16 the flight attendant. She lets us know what we can and
17 cannot do.

18 But based on body language, yes, it seemed
19 like they were both getting irritate with each other.
20 Yes.

21 Q So you heard her advise he couldn't be where
22 he was?

23 A Yes. She said no. You cannot be up here.
24 Sorry.

25 Q No, I'm sorry. And did he continue to try to

1 CERTIFICATE OF REPORTER

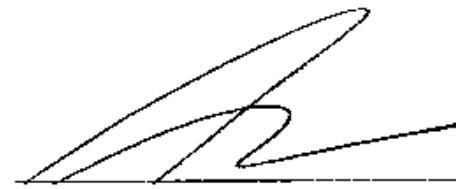
2 STATE OF FLORIDA:

3 COUNTY OF DUVAL:

4
5 I, Catherine M. Morrow, Notary Public, State of
6 Florida, certify that I was authorized to and did
7 stenographically report the deposition of Jason Smith;
8 that a review of the transcript was requested; and that
9 the foregoing transcript, pages 4 through 19, is a true
10 and accurate record of my stenographic notes.

11 I further certify that I am not a relative,
12 employee, or attorney, or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorneys or counsel connected with the action, nor am I
15 financially interested in the action.

16
17 DATED this 9th day of May, 2019.

18
19
20 

21 Catherine M. Morrow
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23
24
25